

HOUSE BILL NO. 115

INTRODUCED BY J. COHENOUR

BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING AND CLARIFYING THE REQUIREMENTS FOR THE PUBLICATION OF ANNUAL AND BIENNIAL HUNTING, FISHING, TRAPPING, AND LAND USE REGULATIONS, SPECIAL SEASON CLOSURES, CREATION OR CLOSURE OF PRESERVES, REFUGES, SANCTUARIES, REST GROUNDS, OR CLOSED DISTRICTS, AND EMERGENCY CLOSURES OF DEPARTMENT OF FISH, WILDLIFE, AND PARKS LANDS AND PUBLIC WATERS THAT ARE ADOPTED BY THE FISH, WILDLIFE, AND PARKS COMMISSION; AMENDING SECTIONS 87-1-202 AND 87-5-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 87-1-202, MCA, is amended to read:

**"87-1-202. ~~Posting and publication~~ Publication of orders; and rules; and regulations.** (1) ~~The orders; Except as provided in subsection (2), annual and biennial rules; and regulations of the department shall adopted by the commission setting seasonal hunting, fishing, trapping, and land use regulations must be published and posted in the following manner:~~

~~———— (1) Those having general application throughout the state shall be published in such manner and to such an extent as the department deems necessary and may direct in a pamphlet format that is made available to the public at all department offices and through all license providers.~~

~~(2) Those of general or special character having local application only shall be published once in some newspaper having general circulation in the locality or district wherein such rules, regulations, or orders are applicable and shall be posted in three conspicuous places in the locality or district in which they are applicable. Site-specific land use regulations applicable to a particular fishing access site, wildlife management area, park site, or other department land, including but not limited to speed limits, road and off-road restrictions or closures, places where camping is allowed or prohibited, and seasonal closures for management purposes, must be indicated to the public by signs on the premises of the particular fishing access site, wildlife management area, park site, or other department land.~~



1 (3) (a) Commission orders setting management seasons, providing for game damage hunts, and closing  
 2 special seasons pursuant to 87-1-304 may be published by:

3 (i) use of the department's website;

4 (ii) use of a telephone hotline number; or

5 (iii) any other method that is readily available to the public.

6 (b) The method for notifying the public of the closure of a special season must be stated in the rule that  
 7 establishes the special season.

8 (4) Public notification of emergency closures of department lands, public waterways, and hunting, fishing,  
 9 and trapping seasons that are based on public health, safety, and welfare must be made in the manner and to  
 10 the extent that the department considers necessary in light of the facts surrounding the emergency, including,  
 11 when practical, onsite posting of the emergency closure."

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13 **Section 2.** Section 87-5-402, MCA, is amended to read:

14 **"87-5-402. Posting of notice and additional provisions.** (1) Preserves, refuges, sanctuaries, rest  
 15 grounds, or closed districts ~~made or~~ created by ~~said the~~ department and any land or water areas or portions  
 16 ~~thereof of~~ preserves, refuges, sanctuaries, rest grounds, or closed districts closed by ~~said the~~ department ~~shall~~  
 17 must be conspicuously posted for a period of 20 days, with posters setting forth their purposes and the penalties  
 18 for violating the orders, ~~and~~ rules, and regulations of the department applicable to them. Not less than 20 days  
 19 before creation of any fish and game district, ~~closed district,~~ preserve, refuge, sanctuary, ~~or~~ rest ground, ~~so~~  
 20 ~~created by said department, or closed district~~ or closure of land or water areas ~~becomes effective,~~ publication  
 21 ~~shall~~ must be made ~~as provided in 87-1-202~~ of the boundaries of ~~such the~~ fish and game district, ~~closed district,~~  
 22 preserve, refuge, sanctuary, ~~or~~ rest ground, ~~so created by said department or closed district,~~ such with  
 23 boundaries ~~to be~~ accurately designated by definite topographic monuments or public land survey. Publication  
 24 must be in a newspaper having general circulation in the locality of the fish and game district, preserve, refuge,  
 25 sanctuary, rest ground, or closed district.

26 (2) The hunting, pursuing, capturing, killing, or taking of any fish, game animals, game birds, or  
 27 fur-bearing animals in violation of the orders, rules, or regulations, ~~or orders~~ of the department governing any  
 28 closed season, fish and game district, preserve, refuge, sanctuary, ~~preserve,~~ rest ground, or closed land or water  
 29 area promulgated by ~~said the~~ department ~~shall be is~~ punishable with by the ~~same~~ penalties ~~as~~ provided for the  
 30 violation of ~~the state fish and game laws of this state~~ regarding closed seasons.

1           (3) All game preserves or refuges ~~heretofore~~ created are continued in full force and effect until such time  
2 as ~~the same are~~ they are changed by the department in the manner ~~herein~~ designated in this section. ~~Said The~~  
3 department ~~shall have~~ has the right, power, and authority, when properly petitioned, to alter and change the  
4 boundaries of or entirely do away with and abandon any preserve or refuge, ~~excepting~~ except the Sun River  
5 game preserve, when, in the opinion of ~~said the~~ department, it is ~~to~~ in the best interest ~~so~~ to do so."

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7           NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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